IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11538 of 2005

Between:

G. Ramesh S/o. Laleppa
R/o. Bethapalli Village Gooty Mandal
Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector
Ananthapur District.
2 The Revenuea Divisional Officer Ananthapur
Ananthapur Dist.
3 The Mandal Revenue Officer
Gooty Mandal Ananthapur district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in refusing to grant stay in his proceedings L.Dis.No.K4/ATP/506/2005, dt.26-4-2005 as illegal, arbitrary and consequently direct the respondents to permit the petitioner to distribute the essential commodities for Bethapalli (V), Gooty (M), Ananthapur Dist., pending enquiry before the 2nd respondent.

Counsel for the Petitioner: MR.GUTTAPALEM VIJAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.11538 OF 2005

ORDER:

This writ petition is filed assailing the order dated 26.4.2005 passed by the first respondent in L.Dis.No.K4/ATP/506/2005 wherein the first respondent refused to grant stay of the order passed by the second respondent, pending appeal.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

Admittedly, appeal is pending before the first respondent and it is for the first respondent to pass appropriate orders in the appeal. Moreover, petitioner cannot be permitted to prosecute two parallel proceedings in respect of same cause of action.

Therefore, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition directing the first respondent to pass necessary orders in the appeal pending before him within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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K.C.BHANU,J

24th May, 2005.

Mdaa

Copy to:

1 The Joint Collector
Ananthapur District.
2 The Revenuea Divisional Officer Ananthapur
Ananthapur Dist.
3 The Mandal Revenue Officer
Gooty Mandal Ananthapur district.

4. Two C.Cs to G.P., for Civil Supplies, High Court of A.P., Hyderabad (OUT).

5. Two C.D.copies.